

## **REMARKS**

### **I. STATUS OF THE CLAIMS**

Claims 1, 3 to 5, 8, 10, 11, 14, 17, and 18 were presented for examination. This amendment amends claims 1, 8, 10, and 11 to further clarify the feature already inherent in the claims by specifically reiterating the feature. Therefore, entry of the amendment is earnestly requested.

In view of the above, it is respectfully submitted that claims 1, 3 to 5, 8, 10, 11, 14, 17, and 18 are currently pending.

### **II. CLAIM REJECTION UNDER 35 U.S.C. §103**

Claims 1, 3-5, 8, 10, 11, 14, 17, and 18 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ramberg et al. (U.S. Patent No. 6,398,105), in view of Gold et al. (U.S. Patent No. 6,785,786).

The rejection is respectfully traversed.

As a preliminary matter, Applicant notes that what is disclosed in the newly cited patent to Ramberg et al. is substantially the same as the previously cited patent application to Ramberg et al. (U.S. 2002/0000464 A1) as the patent application is the application that has been patented into that patent.

Claim 1 as slightly amended is directed to a data backup device connected to a server via a network, comprising: a storage unit that stores data; a usable band detector that detects a width of a usable band from an available band of the network, the usable band currently not being used; a backup controller that determines whether the width of the usable band is wider than a predetermined width, and transmits the data to the server through the network to store the data as backup data in the server when the usable band is determined to be wider than the predetermined width; a data identifying unit that identifies a type of data selected from a plurality of types for each of the data stored in the storage unit, wherein the backup controller specifies the type of each of the data identified when transmitting each of the data to the server so that the each of the data transmitted to the server is stored in the server according to the type; and a data restoring unit that receives a request from a user, determines a type of backup data to be obtained from the backup data stored in the server according to the type, based on the request, the type of backup data being one of the types, requests the server to transmit the backup data of the type determined,

receives the backup data of the type transmitted from the server, and restores to the storage unit the backup data of the type received.

Ramberg et al. (Fig. 1) teach **a system for carrying out routing** where data received from automatic data collection (ADC) devices 117 and 118 (column 3, lines 1 to 2) such as barcode readers are **distributed to an appropriate destination** that is requesting that data, **the appropriate destination being one of a plurality client applications 107 to 113** (Abstract).

In the system (Fig. 1) of Ramberg et al., an ADC data server 130 receives a plurality of data each having a data type from the ADC devices 117 and 118 (Fig. 2 and column 5, lines 20 to 33). A plurality of applications 107 to 113 including local applications 111 to 113 and remote applications 107 to 110 are disclosed as clients that are destinations of the data from the ADC devices 117 and 118 (column 5, lines 20 to 33). When an ADC grid data matcher 302 receives data from the ADC device 117 for example, the ADC grid data matcher 302 determines the type of that data, references an ADC data grid 303 including data type requests indicating the types of data each of clients 107 to 113 wishes to receive, and determines which one of the clients 107 to 113 has requested that data (column 11, lines 23 to 42). The ADC data server 130 then transmits the data to the client that has been determined as the client that had requested the data (column 12, lines 20 to 21).

In the Office Action on page 3, the claimed "a storage unit that stores data" is equated with "the storage of data for the server" allegedly taught by Ramberg et al. at column 8, lines 28 to 30. In fact, Ramberg et al. at column 8, lines 28 to 30 disclose that the ADC data server 130 may store the data class specification along with the data for retrieval by the appropriate client(s). This citation in the Office Action suggests that the ADC data server 130 in Ramberg et al. allegedly corresponds to the claimed data backup device.

Further, in the Office Action on page 3, the claimed "a data identifying unit that identifies a type of data selected from a plurality of types for each of the data stored in the storage unit" and "the back up controller" specifying "the type of each of the data identified when transmitting each of the data to the server" are equated with "the data type identifying unit for the server" allegedly taught by Ramberg et al. at column 12, lines 2 to 3 and 36 to 39, and "the ADC devices specifying the type of data sent" at column 11, lines 37 to 41. Furthermore, in the Office Action on pages 3 to 4, the claimed "a data restoring unit that receives a request from a user, determines a type of backup data to be obtained from the backup data stored in the server according to the type, based on the request, the type of backup data being one of the types, requests the server to transmit the

backup data of the type determines, receives the backup data of the type transmitted from the server, and restored to the storage unit the backup data of the type received" is equated with "the ADC device requesting a specific data type from the server" as allegedly taught by Ramberg et al. at column 8, lines 55 to 60, "user input" in the Abstract, "the server type matching" at column 11, lines 31 to 35, and "the transfer of data from server to client" at column 12, lines 20 to 21. Applicant respectfully disagrees.

In fact, at column 8, lines 55 to 60, Ramberg et al. teach that a data type ***to be obtained from the ADC device*** may be particularly requested. Further, at column 11, lines 31 to 35, Ramberg et al. teach that the "grid data matcher 302 determines the type of ADC data that it wishes to receive from a particular ADC device" and "references the ADC data grid 303 to determine which clients, if any, have requested data of the type received from the ADC device 117." Furthermore, at column 12, lines 20 to 21, Ramberg et al. teach that the ADC data server 130 transmits the ADC data to the identified clients. Therefore, it is reasonable to conclude that the Examiner interprets the clients (applications) 107 to 113 which are destinations of data in Ramberg et al., as the destinations to which data from the ADC data server 130 (the alleged "data backup device") are transmitted, i.e., that the Examiner interprets the clients 107 to 113 as the claimed "server".

However, in the system of Ramberg et al., ***the clients (applications) do not function as a data backup server***. Rather, the clients are merely destinations to which the data collected from the ADC devices are distributed. Ramberg et al. do not teach that the data distributed to the clients are utilized as backup data.

Therefore, Ramberg et al. cannot disclose or suggest that the ADC data server 130 obtains backup data from a client application functioning as a backup data storage and restores the backup data to a storage unit in the ADC data server 130.

Gold et al. fail to cure the deficiencies in Ramberg et al.

For the above reasons, independent claim 1 is not obvious over the combination of Gold et al. and Ramberg et al. Independent claims 8, 10, and 11 as amended include similar features to those of independent claim 1 as amended, and thus are not obvious over the combination of cited prior art for the same reasons. Claims 3 to 5, 14, 17, and 18 depend from claim 1 or 11 and add further features thereto and thus are not obvious over the combination of cited prior art, either.

In view of the above, it is respectfully submitted that the rejection is overcome.

### III. CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,  
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